

**In re the Application of KEITH VIVIAN ALEXANDER
International Appln. No. PCT/NZ2004/000118
Docket No. 0074-532837**

REMARKS

No new matter has been introduced into this application by reason of the amendments presented herewith.

Background

A Preliminary Amendment was submitted with this application on December 9, 2005. In the Preliminary Amendment, the claims with multiple dependencies were amended to be singly dependent. The application, including the Preliminary Amendment, was accepted in the Notice of Acceptance mailed on October 2, 2006.

A non-final action by the Examiner was mailed on November 9, 2007. In the non-final action the Examiner indicated that Claims 1-3, 14-16, and 30-32 are allowed. Claims 4-13, and 17-29 were objected to as not complying with 37 CFR 1.75(c). In a response to the non-final action filed on February 8, 2008, the Applicant pointed out that the objection to Claims 4-13 and 17-29 was improper because those claims had been amended in the Preliminary Amendment to be singly dependent claims.

On May 29, 2008 the Examiner mailed a Notice of Non-Compliant Amendment directed to the Preliminary Amendment filed on December 9, 2005. In the Notice the Examiner indicated that the claims amended in the Preliminary Amendment contain language that should be removed. More specifically, the Examiner pointed out that some claims include the language "either of" and other claims include the language "any one of", but then refer to a single claim.

In a telephone interview with the Examiner on August 15, 2008, the Applicant's undersigned attorney inquired about the nature of the non-compliance because it appeared that all of the requirements of 37 CFR 1.121 for amending the claims had been met. Compliance was also evidenced by the fact that the Preliminary Amendment was accepted by OIPE during the formalities examination of this application. The Examiner pointed out that the claims identified in the Notice are rendered indefinite by the language noted in the Notice. It was agreed that the Applicant would submit an

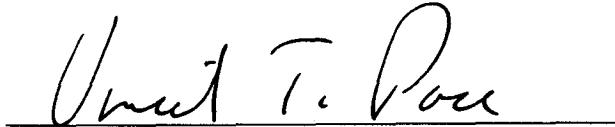
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amendment to delete the language objected to by the Examiner. However, it is not clear whether the Preliminary Amendment was ever entered by the Office. Accordingly, the amendment is being submitted as if the Preliminary Amendment was entered. If the amendments to the claims were not previously entered, then it is respectfully requested that the Examiner enter additional amendments to the claims in accordance with this response to place the claims in proper form.

The Amendment

Claims 3-6, 8-10, 12, 13, 16-20, 24-29, and 31-35 have been amended in accordance with the Examiner's suggestion. Accordingly, it is believed all of the claims of this application are now in condition for allowance. It is respectfully requested that the Examiner reconsider the application in the light of the foregoing amendments and remarks.

Respectfully submitted,
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